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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,242	08/13/2001	Stephen F. Gass	SDT 306	8807
27630 7590 12/19/2006 SD3, LLC 25977 S.W. Canyon Creek Road, Suite G WILSONVILLE, OR 97070				
			EXAMINER ALIE, GHASSEM	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 12/19/2006	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/929,242 08/13/2001 Stephen F. Gass

SDT 306

EXAMINER

Ghassem Alie

ART UNIT	PAPER
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3724

20061204

DATE MAILED:

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Commissioner for Patents

See attached.

Information Disclosure Statement

1. It has been brought to the Examiner's attention that the Information Disclosure Statements (IDS) filed on September 6, 2004 has not been considered by the Examiner. Accordingly, the Examiner has considered the above-mentioned Information Disclosure Statements (IDS). See attachment. The Information Disclosure Statements (IDS) filed on September 6, 2004 is not sufficiently related to the claimed subject matter, and it cannot be used in a new ground of rejection. Therefore, the rejection of the claims over cited prior art is maintained, and the application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571)272-45014501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571)272-45024502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-83006.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at

Application/Control Number: 09/929,242

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866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'B. Ashley', with a stylized flourish at the end.

**BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER**

GA/ga

December 4, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEPHEN F. GASS, DAVID A. FANNING,
DAVID S. D'ASCENZO, JOEL F. JENSEN,
SUNG H. KIM and ANDREW L. JOHNSTON

Application 09/929,242

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

Corrected *12/24/06*

This application was electronically received at the Board of Patent Appeals and Interferences on November 13, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed September 6, 2004. It is not apparent from the record that the examiner considered the statements submitted nor notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application 09/929,242

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner for consideration of the Information Disclosure Statement, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: GP Edgell for Dale Shaw
DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

GJH

cc: SD3, LLC
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